
REMARKS

This communication is a full and timely response to the non-final Office Action dated March 10, 2004. By this communication, claims 1-6 have been canceled and new claims 7-12, which correspond to claims 1-6 respectively, now canceled, have been added. No new matter has been added. In light of the above amendments, claims 7-12 are pending where claims 1 and 7 are independent.

Rejections Under 35 U.S.C. §112

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph as indefinite. Applicant respectfully traverses this rejection.

As noted above, Applicant has canceled and added new claims 7-12. Applicant submits that the new claims 7-12 remedy the deficiencies alleged by the Office Action. Accordingly, Applicant respectfully requests that the rejection of claims 7-12 under §112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. §102

Claims 1-6 were rejected under 35 U.S.C. §102(b) as anticipated by *Herring* U.S. Patent No. 6,276,402. Applicant respectfully traverses this rejection.

Claim 7 recites an industrial multilayer fabric comprising an upper surface side layer, a running surface side layer and a ground yarn knotting yarn that connects the upper surface side layer and the running surface side layer; wherein the upper surface side layer comprises upper surface side warps and upper surface side wefts; wherein, each of the upper surface side warps passes over two continuous upper surface side wefts forming an upper surface of the upper surface side layer and then passes under three continuous upper surface side wefts in a repeating unit; and wherein the ground yarn knotting yarn forms a part of the upper surface.

In contrast, *Herring* discloses in its Fig. 8 that a lower surface side weft of CMD yarn 70 passes over two continuous lower surface side warps 103, 104 forming an upper surface of the lower surface side layer and then passes under three continuous lower surface side warps 105, 106, 107.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif.,

814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because *Herring* does not teach each and every feature recited in claim 7, it follows that claim 7 is not anticipated by this reference. Accordingly, Applicant respectfully requests that the rejection of claim 7 be withdrawn, and this claim be allowed.

Claims 8-12 depend from claim 7. By virtue of this dependency, Applicants submit that claims 8-12 are also allowable for at least the same reasons given above with respect to claim 1. In addition, Applicants submit that claims 4-6 are further distinguished over *Herring* by the additional elements recited therein, and particularly with respect to each claimed combination.

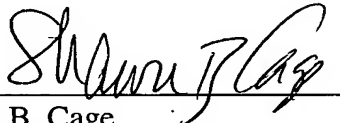
Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 7-12 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. NFC-270 from which the undersigned is authorized to draw.

Dated: May 3, 2004

Respectfully submitted,

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